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GREAT LAKES ECOSYSTEM PROTECTION ACT OF 2010

SEPTEMBER 2, 2010—Ordered to be printed

Filed under authority of the order of the Senate of August 5, 2010

Mrs. BOXER, from the Committee on Environment and Public Works, submitted the following

R E P O R T

[To accompany S. 3073]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 3073) to amend the Federal Water Pollution Control Act to protect and restore the Great Lakes, having considered the same, reports favorably thereon and recommends that the bill, as amended, do pass.

GENERAL STATEMENT AND BACKGROUND

The Great Lakes are the largest system of surface freshwater in the world but the Great Lakes ecosystem faces many threats. Since 1880, more than 160 non-native aquatic species have become established in the Great Lakes. Many habitats and native plants and animals have been compromised, coastal areas suffer from non-point source pollution and sediments and fish are contaminated with mercury and other pollutants.

Section 118 of the Clean Water Act established the U.S. Environmental Protection Agency (EPA) Great Lakes National Program Office (GLNPO) and called for the achievement of the Great Lakes Water Quality Agreement goals: to restore the chemical, physical, and biological integrity of the Great Lakes basin. GLNPO coordinates federal, state, tribal, local, and industry partners in an integrated ecosystem approach to restore the Great Lakes.

Created by Executive Order 13340 in May 2004, the Great Lakes Interagency Task Force (Task Force) brings together U.S. Cabinet

and federal agency heads to coordinate the restoration of the Great Lakes. In December 2004, the Great Lakes Regional Collaboration (Regional Collaboration) was established, and has since released a Strategy to Restore and Protect the Great Lakes and issued an Implementation Framework to describe its organization. The President requested in his Fiscal Year 2010 budget proposal and Congress appropriated \$475 million for a new EPA-led Great Lakes Restoration Initiative (Initiative) that targets invasive aquatic species, habitat loss, nonpoint source pollution, and contaminated sediment. The Initiative builds on five years of work by the Great Lakes task force and is guided by the Regional Collaboration Strategy. Neither the task force nor the regional collaboration has been specifically authorized by Congress.

S. 3073, as amended, establishes the Great Lakes Leadership Council to (1) develop and establish Great Lakes protection and restoration policy; (2) approve long-term goals and objectives relating to Great Lakes protection and restoration; (3) seek consensus among government units and stakeholders relating to Great Lakes protection and restoration; (4) report to Congress, the President and the public regarding progress on Great Lakes protection and restoration; and (5) determine which existing advisory and coordinating committees are duplicative and can be disbanded.

S. 3073 also authorizes the Task Force and establishes the Great Lakes Restoration Initiative which will identify programs and projects that are strategically selected to target the most significant environmental problems in the Great Lakes ecosystem.

OBJECTIVES OF THE LEGISLATION

The objective of this legislation is to expand and improve existing efforts to protect and restore the Great Lakes by reorganizing the management of Great Lakes protection and restoration through the establishment of a Great Lakes Leadership Council, which will develop and coordinate Great Lakes protection and restoration priorities, and the Great Lakes Restoration Initiative which will identify programs and projects that are strategically selected to target the most significant environmental problems in the Great Lakes ecosystem, and the reauthorization of the Great Lakes National Program Office within the Environmental Protection Agency.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 notes that this Act may be cited as the “Great Lakes Ecosystem Protection Act of 2010”.

Section 2. Great Lakes provision modifications

This section describes the purposes of Great Lakes restoration efforts, creates governance and management structures, establishes a Great Lakes Restoration Initiative, and authorizes funding to implement these provisions.

Paragraph (a)(2) amends Section 118(a) of the Federal Water Pollution Control Act to clarify that the purpose of Section 118(a) is to achieve the goals established in the Great Lakes Restoration Initiative Plan, the Great Lakes Regional Collaboration Strategy and the Great Lakes Water Quality Agreement.

Paragraph (b)(3) creates a framework for Great Lakes governance and management and establishes a two-tiered structure to provide input to the restoration priorities for EPA and other Federal members of the Great Lakes Interagency Task Force on Great Lakes restoration:

- The Great Lakes Leadership Council is established to (1) develop and establish Great Lakes protection and restoration policy; (2) approve long-term goals and objectives relating to Great Lakes protection and restoration; (3) set annual restoration and protection priorities; (4) seek consensus among government units and stakeholders relating to Great Lakes protection and restoration; (5) report to Congress, the President and the public regarding progress on Great Lakes protection and restoration; and (6) provide recommendations to Congress and the President for streamlining the work of existing advisory and coordinating committees. The Council is chaired by the EPA Administrator and its membership includes representatives from Federal, State, Tribal and local governments.
- This section also directs the Council to establish a Great Lakes Advisory Committee to support and provide advice to the Council in all of its responsibilities. The Advisory Committee is specifically tasked with providing recommendations on the planning, assessment, and reporting efforts of the Council. The Advisory Committee is also chaired by the EPA Administrator or her designee and its membership includes representatives from Federal, State, Tribal and local governments as well as one representative from the Great Lakes Commission, International Joint Commission, Great Lakes Fishery Commission, industry, environment, agriculture, and the science/academic community.

Paragraph (b)(4) establishes the Great Lakes Restoration Initiative which will identify programs and projects that are strategically selected to target the most significant environmental problems in the Great Lakes ecosystem including:

- The remediation of toxic substances and areas of concern;
- The prevention of invasive species and the mitigation and restoration of invasive species;
- The protection and restoration of nearshore health and the prevention of nonpoint source pollution; and
- Habitat and wildlife protection and restoration.

This paragraph authorizes \$475 million annually to carry out the Initiative.

Paragraph (b)(5) establishes a Great Lakes Interagency Task Force, which brings together eleven U.S. Cabinet and federal agency heads to coordinate restoration of the Great Lakes. The Task Force was created by an Executive Order in 2004 but does not have specific statutory authorization. This paragraph would authorize the task force and ensure that its work is targeting the priorities and long-term goals established by the Great Lakes Leadership Council after receiving advice from the Great Lakes Advisory Committee.

Paragraph (b)(6) consolidates reporting requirements by requiring a regular report to Congress on Great Lakes restoration activities and requiring the President to develop an interagency crosscut budget for the Great Lakes Restoration Initiative and broader work to protect and restore the Great Lakes.

Paragraph (b)(7) reauthorizes the Great Lakes Legacy Program for fiscal years 2011 through 2015 at \$150 million per year. The Great Lakes Legacy Program was first authorized in 2002 to remove contaminated sediment from designated U.S. Areas of Concern. The Program was reauthorized in 2008 for two years.

Paragraph (c) reauthorizes the Great Lakes National Program Office (GLNPO) at level funding of \$25 million per year for fiscal years 2011 through 2016. The existing authorization expired in 2008. GLNPO is the primary federal office overseeing Great Lakes restoration.

Paragraph (d) indicates nothing in this section or an amendment made by this section affects the jurisdiction, powers, prerogatives, or cleanup authority of any Federal, state, or tribal agency or international body relating to the Great Lakes.

LEGISLATIVE HISTORY

The Great Lakes Ecosystem Protection Act of 2010 was introduced by Senator Levin on March 4, 2010 and is co-sponsored by Senators Voinovich, Klobuchar, Sherrod Brown, Franken, Stabenow, Durbin, Burris and Casey. The bill was received, read twice, and referred to the Senate Committee on Environment and Public Works. On February 24, 2010, the EPW Full Committee and Water and Wildlife Subcommittee held a joint hearing entitled, "Legislative Approaches to Protecting, Preserving and Restoring Great Water Bodies" which included testimony and discussion on related efforts in the Great Lakes.

On June 30, 2010, the Full Committee met to consider a number of bills including S. 3073. During this meeting, the Committee adopted an amendment in the nature of a substitute offered by Senators Voinovich and Klobuchar that made technical changes and improvements to the bill. S. 3073 was ordered to be reported favorably with an amendment in the nature of a substitute by voice vote.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 3073 on June 30, 2010. The bill was ordered to be reported favorably with an amendment in the nature of a substitute by voice vote.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that S. 3073 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee noted that the Congressional Budget Office (CBO) has found, "S. 3073 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments."

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

JULY 19, 2010.

Hon. BARBARA BOXER,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 3073, the Great Lakes Ecosystem Protection Act of 2010.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Susanne S. Mehlman.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

S. 3073—Great Lakes Ecosystem Protection Act of 2010

Summary: S. 3073 would authorize the appropriation of \$475 million annually over the 2011–2015 period for the Environmental Protection Agency (EPA) to support the Great Lakes Restoration Initiative, a program that funds projects targeting invasive aquatic species and nonpoint source pollution. This legislation also would authorize the appropriation of \$150 million annually over the 2011–2015 period for EPA to fund projects aimed at cleaning up certain areas of the Great Lakes where contamination has settled into sediment at the bottom of the lakes. In addition, the bill would authorize the appropriation of \$25 million annually over that same period for program costs associated with overseeing projects related to the lakes.

Assuming appropriation of the authorized amounts, CBO estimates that implementing this legislation would cost \$2.8 billion over the 2011–2015 period.

Pay-as-you-go procedures would not apply to this legislation because it would not affect direct spending or revenues.

S. 3073 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 3073 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

By fiscal year, in millions of dollars—						
	2011	2012	2013	2014	2015	2011– 2015
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Great Lakes Restoration Initiative:						
Authorization Level	475	475	475	475	475	2,375
Estimated Outlays	214	404	475	475	475	2,043
Clean-up Projects:						
Authorization Level	150	150	150	150	150	750
Estimated Outlays	68	128	150	150	150	646
Program Costs:						
Authorization Level	25	25	25	25	25	125
Estimated Outlays	21	25	25	25	25	121
Total Changes:						
Authorization Level	650	650	650	650	650	3,250
Estimated Outlays	303	557	650	650	650	2,810

Basis of estimate: For this estimate, CBO assumes that S. 3073 will be enacted near the beginning of fiscal year 2011, that specified amounts will be appropriated in each year starting in 2011, and that outlays will follow historical spending patterns for similar programs.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: S. 3073 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Susanne S. Mehlman; Impact on State, Local, and Tribal Governments: Ryan Miller; Impact on the Private Sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

* * * * *

FEDERAL WATER POLLUTION CONTROL ACT

SEC. 101. (a) The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. In order to achieve this objective it is hereby declared that, consistent with the provisions of this Act—

(1) * * *

* * * * *

SEC. 118. GREAT LAKES.

(a) FINDINGS, PURPOSE, AND DEFINITIONS.—

(1) FINDINGS.—The Congress finds that—

(A) the Great Lakes are a valuable national resource, continuously serving the people of the United States and other nations as an important source of food, fresh water, recreation, beauty, and enjoyment;

[(B) the United States should seek to attain the goals embodied in the Great Lakes Water Quality Agreement of 1978, as amended by the Water Quality Agreement of 1987 and any other agreements and amendments, with particular emphasis on goals related to toxic pollutants; and]

(B) the United States should seek to attain the goals embodied in the Great Lakes Restoration Initiative Action Plan, the Great Lakes Regional Collaboration Strategy, and the Great Lakes Water Quality Agreement; and

(C) the Environmental Protection Agency should take the lead in the effort to meet those goals, working with other Federal agencies and State, *tribal*, and local authorities.

[(2) Purpose.—It is the purpose of this section to achieve the goals embodied in the Great Lakes Water Quality Agreement

of 1978, as amended by the Water Quality Agreement of 1987 and any other agreements and amendments, through improved organization and definition of mission on the part of the Agency, funding of State grants for pollution control in the Great Lakes area, and improved accountability for implementation of such agreement.】

(2) *PURPOSE.*—*The purpose of this section is to achieve the goals established in the Great Lakes Restoration Initiative Action Plan, the Great Lakes Regional Collaboration Strategy, and the Great Lakes Water Quality Agreement through—*

(A) *improved organization and definition of mission on the part of the Agency;*

(B) *the funding of grants, contracts, and interagency agreements for protection, restoration, and pollution control in the Great Lakes area; and*

(C) *improved accountability.*

(3) *DEFINITIONS.*—For purposes of this section, the term—

(A) “Agency” means the Environmental Protection Agency;

(B) “Great Lakes” means Lake Ontario, Lake Erie, Lake Huron (including Lake St. Clair), Lake Michigan, and Lake Superior, and the connecting channels (Saint Mary’s River, Saint Clair River, Detroit River, Niagara River, and Saint Lawrence River to the Canadian Border);

(C) “Great Lakes System” means all the streams, rivers, lakes, and other bodies of water within the drainage basin of the Great Lakes;

(D) “Program Office” means the Great Lakes National Program Office established by this section;

(E) “Research Office” means the Great Lakes Research Office established by subsection (d);

(F) “area of concern” means a geographic area located within the Great Lakes, in which beneficial uses are impaired and which has been officially designated as such under Annex 2 of the Great Lakes Water Quality Agreement;

(G) “Great Lakes States” means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin;

【(H) “Great Lakes Water Quality Agreement” means the bilateral agreement, between the United States and Canada which was signed in 1978 and amended by the Protocol of 1987;】

(H) *“Great Lakes Water Quality Agreement” means the bilateral ‘Agreement on Great Lakes water quality, 1978’ between the United States and Canada, signed at Ottawa on November 22, 1978 (30 U.S.T. 1383; TIAS 9257), amended October 16, 1983 (TIAS 10798) and November 18, 1987 (TIAS 11551);*

* * * * *

(c) GREAT LAKES MANAGEMENT.—

(1) *FUNCTIONS.*—The Program Office shall—

(A) in cooperation with appropriate Federal, State, tribal, and international agencies, and in accordance with section 101(e) of this Act, develop and implement specific ac-

tion plans to carry out the responsibilities of the United States under the Great Lakes Water Quality Agreement of 1978, as amended by the Water Quality Agreement of 1987 and any other agreements and amendments【,;】;

(B) establish a Great Lakes system-wide surveillance network to monitor the water quality of the Great Lakes, with specific emphasis on the monitoring of toxic pollutants;

(C) *provide the support described in paragraph (6);*

(D) *coordinate with the Great Lakes Interagency Task Force, as required under paragraph (8);*

【(C)】(E) serve as the liaison with, and provide information to, the Canadian members of the International Joint Commission and the Canadian counterpart to the Agency;and

【(D)】(F) coordinate actions of the Agency (including actions by headquarters and regional offices thereof) aimed at improving Great Lakes water quality【; and】.

【(E) coordinate actions of the Agency with the actions of other Federal agencies and State and local authorities, so as to ensure the input of those agencies and authorities in developing water quality strategies and obtain the support of those agencies and authorities in achieving the objectives of such agreement.】

* * * * *

(3) REMEDIAL ACTION PLANS.—

(A) For each area of concern for which the United States has agreed to draft a Remedial Action Plan, the Program Office shall ensure that the Great Lakes State in which such area of concern is located—

(i) submits a Remedial Action Plan to the Program Office by June 30, 1991;

(ii) submits such Remedial Action Plan to the International Joint Commission by January 1, 1992; and

(iii) includes such Remedial Action Plans within the State's water quality plan by January 1, 1993.

(B) For each area of concern for which Canada has agreed to draft a Remedial Action Plan, the Program Office shall, pursuant to subparagraph (c)(1)(C) of this section, work with Canada to assure the submission of such Remedial Action Plans to the International Joint Commission by June 30, 1991, and to finalize such Remedial Action Plans by January 1, 1993.

(C) For any area of concern designated as such subsequent to the enactment of this Act, the Program Office shall (i) if the United States has agreed to draft the Remedial Action Plan, ensure that the Great Lakes State in which such area of concern is located submits such Plan to the Program Office within two years of the area's designation, submits it to the International Joint Commission no later than six months after submitting it to the Program Office, and includes such Plan in the State's water quality plan no later than one year after submitting it to the Commission; and (ii) if Canada has agreed to draft the Remedial Action Plan, work with Canada, pursuant to 【sub-

paragraph (c)(1)(C) of this section ~~paragraph (1)(E)~~, to ensure the submission of such Plan to the International Joint Commission within two years of the area's designation and the finalization of such Plan no later than eighteen months after submitting it to such Commission.

* * * * *

[(6) 5-YEAR PLAN AND PROGRAM.—The Program Office shall develop, in consultation with the States, a five-year plan and program for reducing the amount of nutrients introduced into the Great Lakes. Such program shall incorporate any management program for reducing nutrient runoff from nonpoint sources established under section 319 of this Act and shall include a program for monitoring nutrient runoff into, and ambient levels in, the Great Lakes.]

(6) GREAT LAKES GOVERNANCE AND MANAGEMENT.—

(A) GREAT LAKES LEADERSHIP COUNCIL.—

(i) *ESTABLISHMENT.*—*There is established a council, to be known as the Great Lakes Leadership Council (referred to in this paragraph as the ‘Council’).*

(ii) *DUTIES.*—*The Council shall—*

(I) not later than 1 year after the date of establishment of the Council and every 5 years thereafter—

(aa) review the Great Lakes Regional Collaboration Strategy; and

(bb) if the Council determines revisions are necessary, revise the Strategy to reflect the most comprehensive scientific information available and ensure the Great Lakes Restoration Initiative Action Plan reflects those revisions;

(II) establish annual priorities with respect to Great Lakes protection and restoration, including priorities for the Great Lakes Restoration Initiative;

(III) submit to Congress, the President, and the public an annual report describing progress made during the reporting period with respect to Great Lakes protection and restoration;

(IV) make recommendations to the Administrator and the Secretary of State regarding—

(aa) a process for participation in relevant international forums, such as the Great Lakes Water Quality Agreement; and

(bb) whether any existing advisory committees are duplicative and should be replaced; and

(V) make recommendations to Congress and the President for streamlining the work of existing advisory and coordinating committees (such as the Great Lakes Regional Collaboration and the United States Policy Committee), including a recommendation for eliminating any such entity if the work of the entity—

(aa) is duplicative; or

(bb) complicates the protection and restoration of the Great Lakes.

(iii) *BUDGET PRIORITIES AND FUNDING LEVELS.*—Non-Federal members of the Council shall provide input annually to the Council and the Great Lakes Interagency Task Force on Federal budget priorities and funding levels for Great Lakes protection and restoration, including the Great Lakes Restoration Initiative.

(iv) *MEMBERSHIP.*—

(I) *IN GENERAL.*—The membership of the Council shall include—

(aa) 8 heads of Federal departments and agencies that participate in the Great Lakes Interagency Task Force established under paragraph (8), to be appointed by the President and periodically rotated as the President determines to be appropriate, including—

(AA) the Administrator;

(BB) the Chief of Engineers;

(CC) the Secretary of the Interior;

(DD) the Secretary of Agriculture;

(EE) the Secretary of Commerce;

(FF) the Secretary of Energy; and

(GG) the Secretary of State;

(bb) the governors of the Great Lake States;

(cc) 8 representatives of tribal governments, to be appointed—

(AA) by the Indian tribes located in the Great Lakes basin in the United States; and

(BB) to the maximum extent practicable, in a manner that ensures that the tribal governments are geographically representative of the Great Lakes basin; and

(dd) 8 mayors, including mayors participating in the Great Lakes and St. Lawrence Cities Initiative, to be appointed—

(AA) by the mayors of areas located in the Great Lakes basin in the United States; and

(BB) to the maximum extent practicable, in a manner that ensures that the mayors are geographically representative of the Great Lakes basin.

(II) *CHAIRPERSON.*—The Administrator shall serve as chairperson of the Council.

(III) *SECRETARY.*—The Director of the Program Office shall serve as secretary of, and provide administrative support to, the Council.

(IV) *OBSERVER MEMBERS.*—The membership of the Council—

(aa) shall include 1 observer member from each of—

(AA) the International Joint Commission;

(BB) the Great Lakes Fishery Commission; and

(CC) the Great Lakes Commission; and
(bb) may include 1 observer member from Canada.

(v) COMMITTEES.—The Council may establish such committees (including the Great Lakes Advisory Committee, in accordance with subparagraph (B)(i)) as the Council determines to be appropriate for issues including—

- (I) executive issues;
- (II) science issues;
- (III) implementation issues; and
- (IV) funding issues.

(vi) MEETINGS.—

(I) IN GENERAL.—The Council shall meet not less frequently than once each year.

(II) OPEN TO PUBLIC.—The meetings of the Council shall be held open to the public.

(vii) OPERATION.—The Council shall operate on a consensus basis.

(viii) COSTS.—The Agency shall pay the operating costs of the Council.

(B) GREAT LAKES ADVISORY COMMITTEE.—

(i) ESTABLISHMENT.—The Council shall establish a committee, to be known as the ‘Great Lakes Advisory Committee’.

(ii) DUTIES.—The Great Lakes Advisory Committee shall—

(I) submit reports and information to the Council, including recommendations regarding issues relevant to the planning, assessment, and reporting duties of the Council; and

(II) provide advice to the Council on—

- (aa) monitoring implementation activities relating to Great Lakes management; and
- (bb) other relevant Great Lakes issues.

(iii) MEMBERSHIP.—

(I) MEMBERSHIP.—The Great Lakes Advisory Committee shall consist of—

(aa) 4 members representing the membership of the Council, of which 1 member shall be appointed by each unit of government (including Federal agencies, States, units of local government, and Indian tribes) included in the membership of the Council;

(bb) 1 member who shall be appointed by the Great Lakes Commission;

(cc) 1 member who shall be appointed by the International Joint Commission;

(dd) 1 member who shall be appointed by the Great Lakes Fishery Commission;

(ee) 1 member who shall be a representative of the environmental community in the Great

Lakes, to be appointed by the Administrator, after soliciting advice from that community;

(ff) 1 member who shall be a representative of the agricultural community, to be appointed by the Administrator, after soliciting advice from that community;

(gg) 1 member who shall be a representative of Great Lakes industry, to be appointed by the Administrator, after soliciting advice from that industry;

(hh) 1 member who shall be a representative of the scientific community, to be appointed by the Administrator, after soliciting advice from that community; and

(ii) if the member is appointed under subparagraph (A)(iv)(IV)(bb), 1 member who shall be a representative of Canada, as an observer member.

(II) CHAIRPERSON.—The Administrator (or a designee) shall serve as chairperson of the Great Lakes Advisory Committee.

(III) SECRETARY.—The Director of the Program Office (or a designee) shall serve as secretary of, and provide administrative support to, the Great Lakes Advisory Committee.

(iv) MEETINGS.—

(I) IN GENERAL.—The Great Lakes Advisory Committee shall meet not less frequently than every 180 days.

(II) OPEN TO PUBLIC.—

(aa) IN GENERAL.—Subject to item (bb), the meetings of the Great Lakes Advisory Committee shall be held open to the public.

(bb) EXECUTIVE SESSIONS.—The Great Lakes Advisory Committee may hold executive sessions that are closed to the public.

(v) OPERATION.—The Great Lakes Advisory Committee shall operate on a consensus basis.

(vi) COSTS.—The Agency shall pay the operating costs of the Great Lakes Advisory Committee.”;

(7) GREAT LAKES RESTORATION INITIATIVE.—

(A) FINDINGS.—Congress finds that—

(i) the goal of the Great Lakes program of the Agency is to restore and maintain the chemical, physical, and biological integrity of the Great Lakes basin ecosystem; and

(ii) in 2010, the Agency, in coordination with Federal partners, will commence implementation of a new Great Lakes Restoration Initiative (referred to in this paragraph as the ‘Initiative’), which will—

(I) identify programs and projects that are strategically selected to target the most significant environmental problems in the Great Lakes ecosystem;

(II) be based on the work of—

(aa) the Great Lakes Interagency Task Force established by paragraph (8)(A); and

(bb) the Great Lakes Leadership Council, stakeholders, and nongovernmental partners; and

(III) represent the commitment of the Federal Government to significantly advancing Great Lakes protection and restoration.

(B) *PRIORITY.*—The Initiative shall give priority to work done by non-Federal partners using funding made available for the Great Lakes for priority areas for each fiscal year, such as—

(i) the remediation of toxic substances and areas of concern;

(ii)(I) the prevention of invasive species; and

(II) the mitigation and restoration of the impacts of invasive species;

(iii)(I) the protection and restoration of nearshore health; and

(II) the prevention of nonpoint source pollution;

(iv) habitat and wildlife protection and restoration;

(v) accountability, monitoring, evaluation, communication, and partnership activities; and

(vi) other areas prioritized by the Council.

(C) *PROJECTS.*—Pursuant to the Initiative, the Agency shall consult with Federal partners and take into consideration the recommendations of the Council to select the best combination of programs and projects for Great Lakes protection and restoration using principles and criteria such as—

(i) the ability to achieve strategic and measurable environmental outcomes;

(ii) the feasibility of—

(I) prompt implementation;

(II) timely achievement of results; and

(III) the ability to leverage resources; and

(iii) opportunities for interagency and interorganizational coordination and collaboration.

(D) *IMPLEMENTATION OF PROJECTS.*—

(i) *IN GENERAL.*—Funds made available to carry out the Initiative shall be used to strategically implement—

(I) Federal projects; and

(II) projects carried out in coordination with States, Indian tribes, municipalities, institutions of higher education, and other organizations.

(ii) *TRANSFER OF FUNDS.*—Of amounts made available for environmental programs and management for the Great Lakes Restoration Initiative, the Administrator may—

(I) transfer not more than \$475,000,000 to the head of any Federal department or agency, with the concurrence of the department or agency head, to carry out activities to support the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement;

(II) enter into an interagency agreement with the head of any Federal department or agency to carry out activities described in subclause (I); and

(III) make grants to governmental entities, non-profit organizations, institutions, and educational institutions for use in carrying out planning, research, monitoring, outreach, training, studies, surveys, investigations, experiments, demonstration projects, and implementation relating to the activities described in subclause (I).

(E) SCOPE.—

(i) *IN GENERAL.*—Projects shall be carried out pursuant to the Initiative on multiple levels, including—

(I) local;

(II) Great Lake-wide; and

(III) Great Lakes basin-wide.

(ii) *LIMITATION.*—No funds made available to carry out the Initiative may be used for any water infrastructure activity (other than a green infrastructure project that improves habitat and other ecosystem functions in the Great Lakes) for which amounts are made available from—

(I) a State water pollution control revolving fund established under title VI; or

(II) a State drinking water revolving loan fund established under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12).

(F) *ACTIVITIES BY OTHER FEDERAL AGENCIES.*—Each relevant Federal department and agency shall, to the maximum extent practicable—

(i) maintain the base level of funding for the Great Lakes activities of the agency; and

(ii) identify new activities and projects to support the environmental goals of the Initiative.

(G) *FUNDING.*—

(i) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out the Initiative \$475,000,000 for each of fiscal years 2011 through 2016.

(ii) *PARTNERSHIPS.*—Of the amounts made available to carry out the Initiative, the Administrator shall transfer expeditiously to the Federal partners of the Initiative such sums as are necessary for subsequent use and distribution by the Federal partners in accordance with this section.

* * * * *

[(8) ADMINISTRATOR'S RESPONSIBILITY.—The Administrator shall ensure that the Program Office enters into agreements with the various organizational elements of the Agency involved in Great Lakes activities and the appropriate State agencies specifically delineating—

[(A) the duties and responsibilities of each such element in the Agency with respect to the Great Lakes;

[(B) the time periods for carrying out such duties and responsibilities; and

[(C) the resources to be committed to such duties and responsibilities.]

(8) *GREAT LAKES INTERAGENCY TASK FORCE.*—

(A) *ESTABLISHMENT.*—*There is established a task force, to be known as the ‘Great Lakes Interagency Task Force’ as described in Executive Order 13340 (33 U.S.C. 1268 note) and relating to establishment of Great Lakes Interagency Task Force and promotion of regional collaboration of national significance for Great Lakes.*

(B) *COORDINATION.*—*The Program Office shall coordinate, to the maximum extent practicable, with the Great Lakes Interagency Task Force.*

(C) *DUTIES.*—*The Great Lakes Interagency Task Force shall—*

(i) *collaborate with Canada, provinces of Canada, and binational bodies involved in the Great Lakes region regarding policies, strategies, projects, and priorities for the Great Lakes System;*

(ii)(I) *coordinate the development of Federal policies, strategies, projects, and priorities for addressing the restoration and protection of the Great Lakes System consistent with—*

(aa) *the Great Lakes Regional Collaboration Strategy;*

(bb) *Great Lakes Restoration Initiative Action Plan;*

(cc) *the Great Lakes Water Quality Agreement;*
and

(dd) *Federal implementation of recommendations of the Great Lakes Leadership Council; and*

(II) *assist in the appropriate management of the Great Lakes System;*

(iii) *develop outcome-based goals for the Great Lakes System (relying on existing data and science-based indicators of water quality, related environmental factors, and other information) that—*

(I) *focus on outcomes such as cleaner water, sustainable fisheries, and biodiversity of the Great Lakes System;*

(II) *ensure that Federal policies, strategies, projects, and priorities support measurable results;*
and

(III) *are consistent with the Great Lakes Regional Collaboration Strategy and the Great Lakes Restoration Initiative Action Plan;*

(iv) *exchange information regarding policies, strategies, projects, and activities of the agencies represented on the Task Force relating to—*

(I) *the Great Lakes System;*

(II) *the Great Lakes Regional Collaboration Strategy; and*

(III) *the Great Lakes Restoration Initiative Action Plan;*

(v) *coordinate government action associated with the Great Lakes System;*

(vi) ensure coordinated Federal scientific and other research associated with the Great Lakes System; and
 (vii) provide assistance and support to agencies represented on the Task Force in activities relating to the Great Lakes System.

* * * * *

[(10) COMPREHENSIVE REPORT.—Within 90 days after the end of each fiscal year, the Administrator shall submit to Congress a comprehensive report which—

[(A) describes the achievements in the preceding fiscal year in implementing the Great Lakes Water Quality Agreement of 1978 and shows by categories (including judicial enforcement, research, State cooperative efforts, and general administration) the amounts expended on Great Lakes water quality initiatives in such preceding fiscal year;

[(B) describes the progress made in such preceding fiscal year in implementing the system of surveillance of the water quality in the Great Lakes System, including the monitoring of groundwater and sediment, with particular reference to toxic pollutants;

[(C) describes the long-term prospects for improving the condition of the Great Lakes; and

[(D) provides a comprehensive assessment of the planned efforts to be pursued in the succeeding fiscal year for implementing the Great Lakes Water Quality Agreement of 1978, which assessment shall—

[(i) show by categories (including judicial enforcement, research, State cooperative efforts, and general administration) the amount anticipated to be expended on Great Lakes water quality initiatives in the fiscal year to which the assessment relates; and

[(ii) include a report of current programs administered by other Federal agencies which make available resources to the Great Lakes water quality management efforts.]]

(10) REPORTS.—

(A) ANNUAL COMPREHENSIVE RESTORATION REPORT.—*Not later than 90 days after the end of each fiscal year, the Administrator shall submit to Congress and make publicly available a comprehensive report on the overall health of the Great Lakes that includes—*

(i) a description of the achievements during the fiscal year in implementing the Great Lakes Water Quality Agreement and any other applicable agreements and amendments that—

(I) demonstrate, by category (including categories for judicial enforcement, research, State cooperative efforts, and general administration) the amounts expended on Great Lakes water quality initiatives for the fiscal year;

(II) describe the progress made during the fiscal year in implementing the system of surveillance of the water quality in the Great Lakes System, in-

cluding the monitoring of groundwater and sediment, with a particular focus on toxic pollutants;

(III) describe the prospects of meeting the goals and objectives of the Great Lakes Water Quality Agreement; and

(IV) provide a comprehensive assessment of the planned efforts to be pursued in the succeeding fiscal year for implementing the Great Lakes Water Quality Agreement and any other applicable agreements and amendments that—

(aa) indicate, by category (including categories for judicial enforcement, research, State cooperative efforts, and general administration) the amount anticipated to be expended on Great Lakes water quality initiatives for the applicable fiscal year; and

(bb) include a report on programs administered by other Federal agencies that make resources available for Great Lakes water quality management efforts;

(ii) a detailed list of accomplishments of the Great Lakes Restoration Initiative with respect to each organizational element of the Initiative and the means by which progress will be evaluated;

(iii) recommendations for streamlining the work of existing advisory and coordinating committees (such as the Great Lakes Regional Collaboration and the United States Policy Committee), including a recommendation for eliminating any such entity if the work of the entity—

(I) is duplicative; or

(II) complicates the protection and restoration of the Great Lakes; and

(iv) with respect to each priority established under paragraph (6)(A)(ii)(II) and recommendation submitted under clauses (ii)(IV) and (iii) of paragraph (6)(A) by the Great Lakes Leadership Council during the fiscal year, the reasons why the Administrator implemented, or did not implement, the priorities and recommendations.

(B) CROSSCUT BUDGET.—Not later than 45 days after the date of submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to Congress and make publicly available a financial report, certified by the head of each agency that has budget authority for Great Lakes restoration activities, containing—

(i) an interagency budget crosscut report that—

(I) describes the budget proposed, including funding allocations by each agency for the Great Lakes Restoration Initiative;

(II) identifies any adjustments from the budget request;

(III) identifies the funding in any amount for each of the Federal agencies that carry out restoration and protection activities in the subsequent fiscal year, separately reporting the amount of funding to be provided under each law pertaining to the agency;

(IV) compares specific funding levels allocated for participating Federal agencies from fiscal year to fiscal year; and

(V) identifies all expenditures since fiscal year 2004 by the Federal Government and State governments for Great Lakes restoration activities;

(ii) a detailed accounting of all funds received and obligated by all Federal agencies and, to the maximum extent practicable, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(iii) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the subsequent fiscal year with the Federal share of funds for activities; and

(iv) a listing of all projects to be undertaken in the subsequent fiscal year with the Federal share of funds for activities.

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(12) REMEDIATION OF SEDIMENT CONTAMINATION IN AREAS OF CONCERN.—

(A) IN GENERAL.—* * *

* * * * *

(H) AUTHORIZATION OF APPROPRIATIONS.—

[(i) IN GENERAL.—In addition to other amounts authorized under this section, there is authorized to be appropriated to carry out this paragraph \$50,000,000 for each of fiscal years 2004 through 2010.]

(i) AUTHORIZATION.—In addition to other amounts authorized to be appropriated pursuant to this section, there are authorized to be appropriated to carry out this paragraph—

(I) \$50,000,000 for each of fiscal years 2004 through 2010; and

(II) \$150,000,000 for each of fiscal years 2011 through 2015.

(ii) AVAILABILITY.—Funds made available under clause (i) shall remain available until expended.

(iii) ALLOCATION OF FUNDS.—Not more than 20 percent of the funds appropriated pursuant to clause (i) for a fiscal year may be used to carry out subparagraph (F).

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(h) AUTHORIZATIONS OF GREAT LAKES APPROPRIATIONS.—
[There are authorized]

(1) IN GENERAL.—There are authorized to be appropriated to the Administrator to carry out this section not to exceed—

[(1)](A) \$11,000,000 per fiscal year for the fiscal years 1987, 1988, 1989, and 1990, and \$25,000,000 for fiscal year 1991;

[(2)](B) such sums as are necessary for each of fiscal years 1992 through 2003; and

[(3)](C) \$25,000,000 for each of fiscal years 2004 through 2008.

(2) *PROGRAM OFFICE.*—*There is authorized to be appropriated to the Program Office to carry out this section \$25,000,000 for each of fiscal years 2011 through 2016.*

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